

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL.,	:	
	:	
PLAINTIFFS,	:	
vs.	:	DOCKET NUMBER
	:	1:17-CV-2989-AT
BRAD RAFFENSPERGER, ET AL.,	:	
	:	
DEFENDANTS.	:	

**TRANSCRIPT OF TELEPHONE CONFERENCE PROCEEDINGS**

**BEFORE THE HONORABLE AMY TOTENBERG**

**UNITED STATES DISTRICT JUDGE**

**SEPTEMBER 9, 2020**

**8:32 A.M.**

***MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED***

***TRANSCRIPT PRODUCED BY:***

<b><i>OFFICIAL COURT REPORTER:</i></b>	<b><i>SHANNON R. WELCH, RMR, CRR</i></b>
	<b><i>2394 UNITED STATES COURTHOUSE</i></b>
	<b><i>75 TED TURNER DRIVE, SOUTHWEST</i></b>
	<b><i>ATLANTA, GEORGIA 30303</i></b>
	<b><i>(404) 215-1383</i></b>

UNITED STATES DISTRICT COURT  
OFFICIAL CERTIFIED TRANSCRIPT

A P P E A R A N C E S O F C O U N S E L

(SPEAKING ONLY)

**FOR THE PLAINTIFFS DONNA CURLING, DONNA PRICE, JEFFREY  
SCHOENBERG:**

DAVID D. CROSS  
MORRISON & FOERSTER, LLP

**FOR THE PLAINTIFFS COALITION FOR GOOD GOVERNANCE, LAURA DIGGES,  
WILLIAM DIGGES, III, AND RICARDO DAVIS:**

BRUCE BROWN  
BRUCE P. BROWN LAW

**FOR THE STATE OF GEORGIA DEFENDANTS:**

VINCENT RUSSO  
CAREY A. MILLER  
ROBBINS ROSS ALLOY BELINFANTE LITTLEFIELD, LLC

BRYAN P. TYSON  
TAYLOR ENGLISH DUMA

\*\*\*There were many other counsel present on the phone call but not listed on this appearance page.

**P R O C E E D I N G S**

**(Atlanta, Fulton County, Georgia; September 9, 2020.)**

THE COURT: Good morning, Counsel. Tell me who is there as lead counsel, and I'm not going to go beyond that for now.

MR. CROSS: Good morning, Your Honor. David Cross for Curling.

MR. BROWN: Bruce Brown for Coalition.

MR. TYSON: Good morning, Your Honor. Bryan Tyson for the State defendants. Mr. Russo and Mr. Miller are here as well.

MR. RUSSO: Good morning, Your Honor.

MR. MILLER: Good morning, Your Honor.

THE COURT: Good morning.

So you-all spoke -- you-all spoke at -- together starting at 8:00 in the morning.

Did you make any progress?

MR. CROSS: This is David Cross. Unfortunately not much. It may just help us to walk through the issues where we are.

THE COURT: All right. Just a second. I'm just printing one of the lists. Just one second.

**(There was a brief pause in the proceedings.)**

THE COURT: Go ahead.

MR. CROSS: So what we had proposed is that each

1 witness would testify only once. And that would mean, for  
2 example, if there is a witness that the State is going to call,  
3 like one of their own employees, whether they call them as a  
4 witness in our case and then have the witness recalled later,  
5 the witness would testify only in their case. We would just  
6 wait to call the witness for our examination with someone like,  
7 say, Mr. Cobb or Mr. Hamilton.

8 But in typical practice that would mean our cross --  
9 our examination would not be limited to the scope of their  
10 direct. And the same would go the other way. Any witness that  
11 they want to examine that we call, we would call that witness  
12 once and they would do their cross and whatever they want to  
13 cover that is relevant. That way that witness doesn't have to  
14 get recalled in their case. We did not have agreement on that.

15 There are two points of disagreement. One, the State  
16 is unwilling to agree that cross can exceed the scope of direct  
17 even though they do think witnesses should testify once. That  
18 would mean anybody who calls a witness could dictate the scope  
19 of cross, which anyone gets to do just by having a very short  
20 limited direct. We don't think that is fair.

21 The other disagreement is they think the witness  
22 shouldn't testify to anything new beyond what is in their  
23 declarations. Just as an example given the examination that is  
24 going on with the BMDs this week, we don't think that is fair  
25 either.

1 MR. TYSON: Your Honor, this is Bryan Tyson. I think  
2 maybe we need to start with a more fundamental question, which  
3 is we have obviously raised the issue of the -- of there just  
4 being argument only and/or if we are going to have witnesses  
5 hearing from things that you haven't heard already.

6 And so it might be helpful just to kind of zoom out  
7 and start with what we are anticipating in terms of scope and  
8 focus of the hearing. And then we can get into some of the  
9 minutiae of this because there is obviously going to be a  
10 difference in an expert like Dr. Halderman and fact witnesses  
11 and those kind of things.

12 So from the State's perspective, I think it may make  
13 more sense to start with that global question before we dig  
14 down to specifics of how we are handling particular witnesses.

15 THE COURT: That is fine. That is fine. But -- and  
16 I have some observations and concerns regarding this as well.  
17 I can't say that I have read everything at this point. I have  
18 tried to read all of the experts' affidavits last night again  
19 so I could get a fix on that and -- and read enough so that  
20 I -- though I plan to spend a good portion of today still  
21 reading.

22 I think that one of my concerns is this: I have  
23 already -- first of all, let me deal with the low-hanging fruit  
24 about scope. I have dealt extensively with standing. The  
25 State has raised it extensively; has had opportunity to take

1 depositions; has not done so.

2 I'm not willing to spend time on standing at this  
3 juncture, having spent such an inordinate amount of time, in  
4 fact, on standing issues and recently, not just a year ago or  
5 two years ago.

6 So I don't think that the calling -- the State's  
7 calling of individuals for purposes of reviewing standing is a  
8 good use of the Court's time. You are welcome to do this on  
9 your own time later. But it is not going to be productive.

10 So to the extent that that is -- I'm not addressing  
11 it in terms of being abusive or anything else that might be  
12 raised in the context of the motion for protective order. It  
13 is just the inherent authority of the Court to control this  
14 proceeding. Which having still not endless time and which I  
15 need to move promptly, it does not make sense. So let me just  
16 try -- that is Number 1 in terms of the time and the witnesses  
17 listed by the State.

18 Now, one of the issues that I think that is of some  
19 concern is -- you know, I have a number of experts here listed  
20 by both parties. And to the extent I'm allowing expert  
21 testimony at this juncture, you know, I would hope it to be  
22 productive as well or at least helpful for me to understand --  
23 be able to ask some questions.

24 There are two issues for me at the moment. One is  
25 that a substantial portion of some of these experts' testimony

1 may be deemed -- has been at least for now classified by  
2 defendants as super confidential. And so I'm not clear  
3 relative to the testimony that would be in open court how that  
4 would be handled and would we have to reserve all of those  
5 individuals and their testimony to, you know, a discrete part  
6 of the hearing and cease the public of hearing for that portion  
7 of the testimony because it is so interwoven and then go on to  
8 a different number. I mean, it is somewhat awkward I have to  
9 say. So that is one issue.

10 And it is not clear to me in terms of the examination  
11 of the defendants' expert witnesses what -- at this juncture  
12 what the -- whether the plaintiffs are seeking to have  
13 extensive opportunity to do an examination and what you are  
14 thinking.

15 I will say that just in terms of again something that  
16 is productive under the framework that I have identified for  
17 the hearing is, one, I guess I still reject the notion that it  
18 is going to be helpful to the Court at this juncture -- I'm not  
19 going to agree to be subject -- to have just oral argument. At  
20 the same time, there clearly are some conflicts in the evidence  
21 at this juncture that would be very difficult for the Court to  
22 resolve regarding the BMD data system issues.

23 And they certainly are potentially resolvable, and it  
24 is certainly so that plaintiffs' experts have only -- are just  
25 really beginning to be able to look into the function -- the

1 internal functionality of the system -- by a computer -- a BMD  
2 for its usage. And so something might emerge as of Thursday.

3 But -- and it is not that there is a problem with it  
4 emerging as of Thursday at this point because the defendants  
5 can obviously have their experts listen. But I just think that  
6 it is -- as much as that particular -- those particular issues  
7 are sufficiently contested, it seems to me that it would still  
8 be at this juncture very challenging for the Court to make the  
9 findings necessary for a preliminary injunction.

10 Yes, it could educate me. But I could have more  
11 supplemental information as well to do that if you are really  
12 at this -- if it is all -- basically great difficulties emerge  
13 that are just -- that are basically -- that either give rise to  
14 the need for me to hear more about this come -- come the  
15 election and after the election or, on the other hand, just  
16 simply that the record can be obviously supplemented as  
17 Dr. Halderman and the plaintiffs do more work on what has been  
18 accessible to them.

19 But I am concerned about this because it is a very  
20 unwieldy circumstance to have the public hearing and at the  
21 same time be stuck on matters that, you know, normally if we  
22 had more time we would really try to figure out how more  
23 effectively to segregate that testimony and how would that be  
24 done and how would that be done also with the party itself not  
25 being able even to sit in there if the attorneys' eyes only



1 determination holds. And I haven't had enough time to go  
2 through each of those issues or the attorneys to raise -- and  
3 we're still basically sorting through those issues.

4 But what I can see is that there are certainly  
5 considerable conflict about these. Now, on the other hand,  
6 I'm -- I think the issues as to the Poll Pads are straight --  
7 are lots more straightforward in those concerns and something  
8 that I could -- the Court could address and -- potentially or  
9 also be -- have a clear idea of why -- of the State's position  
10 than I do at this juncture.

11 So -- and there may be some other areas like that  
12 that it absolutely will be useful right now and not as awkward.  
13 So those are my general thoughts and concerns. And --

14 MR. CROSS: Your Honor, this is David Cross. On the  
15 AEO issue, we should be able to manage that as we have in the  
16 past. Your Honor may recall last summer the Fortalice reports  
17 were a big focus of this hearing. Those were designated AEO --  
18 certainly confidential and I think AEO. And we were able to  
19 navigate that, as I recall, without having to publicly disclose  
20 things that the State was concerned about. And I envision  
21 being able to do that again here.

22 I think on those types of issues we don't have to get  
23 explicit for the examinations we want to conduct. I think we  
24 can do it as we did in the past.

25 We do anticipate there will be a lot of discussion of

1 the examination that we have done. We expect there will  
2 probably be a demonstration. They are still working on their  
3 analysis. But, you know, we did that with the DREs, and that  
4 was all in open court as well.

5 So notwithstanding the scope of the confidentiality  
6 designations, we have navigated that. And I don't think it is  
7 going to be a problem here as it was not in the past.

8 MR. BROWN: Your Honor, this is Bruce Brown. In  
9 terms of the Coalition's experts -- and I would agree with  
10 Mr. Cross on that -- we have Dr. Stark and Harri Hursti and  
11 Kevin Skoglund. Neither Stark nor Hursti will rely on any  
12 confidential information in their testimony. Skoglund might.  
13 But, again, there may be ways for us to navigate around that by  
14 the way we couch the testimony and not cover things that have  
15 already been covered under seal.

16 MR. TYSON: Your Honor, this is Bryan Tyson for the  
17 State defendants. I believe the only document that we filed  
18 under seal was the testimony of Mr. Hamilton regarding kind of  
19 what has been done kind of on the specific topic of the  
20 Fortalice reports. So I don't believe anything else for the  
21 State has been filed under seal.

22 Mr. Cross has mentioned a demonstration of the  
23 system. I think, again, one of the challenges we're going to  
24 have is this is being done over Zoom. So it is going to be a  
25 little bit more limited access for our expert to figure out

1 what is going on with the demonstration. So I'm just trying to  
2 balance all those different interests. I recognize -- I think  
3 Your Honor is correct there are some things that will be  
4 helpful for you to hear from people on. And maybe a division  
5 by topic makes more sense to cover. For example, there's  
6 discussions of audit. There are discussions of Poll Pads.  
7 There's discussions of scanner thresholds. There's discussions  
8 of BMDs, discussions of kind of general cyber principles.

9 Each of those is really kind of right now a distinct  
10 area. And at least for the plaintiffs -- I mean, we are kind  
11 of at a point where they are asking for relief in all those  
12 different areas. And it may make sense to take those areas one  
13 at a time by topic instead of trying to do something like a  
14 more typical hearing.

15 But, again, I think it comes down to what do you need  
16 to hear from as opposed to us just putting up a bunch of people  
17 that are giving you information that is not really relevant for  
18 the decisions that you need to make.

19 MR. CROSS: Your Honor, this is David Cross. I don't  
20 think we can organize by topic because you are going to have  
21 witnesses that cover multiple topics. So you would have to  
22 recall witnesses. And I think we would like to avoid that.

23 And from my perspective, Your Honor has been very  
24 adept in the past, as any judge is, to help people move on. We  
25 certainly are not looking to waste time. Our witnesses for

1 Curling plaintiffs are going to focus principally on the  
2 cybersecurity issues. I think Your Honor is going to be very  
3 surprised and unsettled on what you are going to see.

4 We're going to talk feasibility a bit because the  
5 presentation from the defense and the papers on this being a  
6 big change and a heavy lift is not accurate. We will certainly  
7 touch on that.

8 Then we will talk about the audits. But I think it  
9 has always worked well in the past as in any trial to set time  
10 limits. We call our witnesses. And if it is not helpful, you  
11 tell us to move on.

12 THE COURT: The witnesses that the plaintiffs have  
13 identified to call, have you made arrangements for their  
14 availability?

15 MR. CROSS: Yes, Your Honor. For our own witnesses,  
16 we have worked that out. We're doing testing today on the  
17 Zoomgov platform both with the court and separately on our own  
18 just to make sure everyone that we are going to put up and all  
19 of our lawyers are comfortable with that platform.

20 By the way, Your Honor, we also have a trial vendor  
21 that has their own license to the Zoomgov. They will be  
22 supporting us in the background. So we will have some  
23 additional resources on our end just to make sure everything  
24 works.

25 To the witnesses we would call that are defense

1 witnesses, again where we left that was, even though there are  
2 some defense witnesses we would call in our own case, we are  
3 perfectly happy to just leave those for when the defense calls  
4 them, as long as the defense is committed to calling them.

5 We don't want to have a situation where we rest and  
6 then they say, well, we decided not to call witnesses that we  
7 would have called ourselves. As long as they are committing to  
8 calling those overlap witnesses, we'll let them wait until  
9 their case. They do whatever examination they are doing.  
10 We'll do whatever examination we are going to do. And the  
11 witness is on and off the stand once.

12 So if we have a commitment from them that they are  
13 going to present those people, then I think all the witnesses  
14 we have confirmed availability across the two days.

15 THE COURT: What I'm saying is, for instance, Mr. --  
16 Dr. Juan Gilbert, have you made arrangements with the defendant  
17 to have him available?

18 MR. CROSS: Yes. Both sides have discussed -- well,  
19 I mean, this is my understanding. Mr. Tyson will tell me if  
20 I've got it wrong.

21 We have discussed -- subpoenas were served by our  
22 group. And my understanding is that all of these people will  
23 appear to the extent either side is calling them.

24 MR. TYSON: Your Honor, this is Bryan Tyson. I think  
25 the one issue that might be outstanding on the witness list is

1 Dr. Coomer from Dominion. I believe the plaintiffs had served  
2 a 30(b)(6) notice on Dominion that they withdrew. And we have  
3 not decided yet whether we are calling Dr. Coomer. We would --  
4 so I think that's the one that may not be covered by what  
5 Mr. Cross has described here.

6 MR. MILLER: Your Honor, if I may, this is Carey  
7 Miller. Specific to Dr. Gilbert, I just wanted to -- we really  
8 haven't had any detailed conversations in terms of  
9 availability. Dr. Gilbert was served with a subpoena this  
10 morning.

11 I think after speaking with him yesterday, there are  
12 going to be some restrictions kind of on his time availability  
13 just due to his responsibility in teaching his graduate  
14 students.

15 I'm sure we can work those things out. But that is  
16 kind of the one thing I wanted to flag in terms of his time  
17 frame for availability.

18 THE COURT: Well, please do as to any of the people  
19 who are affiliated with the State. Will you please identify  
20 what their -- talk with counsel and really -- just as an easy  
21 thing right now, if you know it, basically go ahead and send  
22 them a note indicating what the time -- whatever periods of  
23 time each of these witnesses might not be available.

24 I have -- I think the State -- and maybe I missed  
25 it -- failed to provide me with the requisite notice of the

1 September 10, 2020, hearing in connection with -- more  
2 importantly the proposed rule for auditing, which my  
3 August 2019 order required.

4 But at this point, that is neither here nor there. I  
5 mean, I think it is attached as one of the -- as an exhibit now  
6 to one of the plaintiffs' filings.

7 But are there any individuals who have to be present  
8 at that hearing? I mean --

9 MR. TYSON: I'm sorry, Your Honor. This is Bryan  
10 Tyson. I may not have understood your question. I believe we  
11 have filed the audit rules on the 21st of August.

12 THE COURT: Maybe you did, and I didn't see it.

13 MR. TYSON: But what was the question about a witness  
14 relating to that? I apologize.

15 THE COURT: The hearing in front of the State Board  
16 is at 9:00 A.M. So I'm assuming it will be through, that there  
17 will be no conflicts because of that.

18 Is that a fair assumption?

19 MR. TYSON: Yes, Your Honor. I'm sorry. You are  
20 referring to the State Election Board meeting tomorrow, yes. I  
21 don't believe we are going to have anybody who has a conflict  
22 for that because I believe that meeting will be complete by the  
23 time we get to our hearing.

24 THE COURT: All right. So at this juncture, you-all  
25 don't agree about consolidating witnesses in the way that

1 Mr. Cross has proposed.

2 Let me just say this is what I'll -- I think it would  
3 be better to have individuals up once. But I think I've  
4 allowed enough time if people are really moving through the  
5 witnesses as anticipated to -- you know, to allow a more  
6 traditional structure.

7 But if I don't think it is being productive, I'm  
8 going to just change course. And I mean -- and just -- I mean,  
9 I have authority to do -- to manage this as I see fit because  
10 it would be -- and I'll see how far this -- how much this  
11 works.

12 But I know that the plaintiffs have said, oh, you are  
13 going to be surprised at how easy the transition is. And I  
14 might be. But there still are significant issues as you-all --  
15 the plaintiffs are aware about changing at this late moment.

16 There are things that are not so significant. And I  
17 just -- I urge you to keep this in mind that if you are  
18 giving -- providing a foundation for the future, you know, and  
19 all are aware that this is what we're walking into, that is one  
20 thing.

21 But I don't -- I don't want to waste time at this  
22 juncture. So it is hard for me to conceive exactly of how a  
23 transition to an entire new system at this moment is going to  
24 work but -- or would be -- under the current record if I did a  
25 wholesale change.



1 But I've allowed you to present the hearing and go  
2 forward because of the fact that there may be things that can  
3 be done to at least secure the vote from the plaintiffs'  
4 perspective that will be reassuring to the public rather than  
5 something else.

6 And these are serious issues that have been raised.  
7 But to the extent that -- again, that we end up in a war of  
8 experts about some of these issues, it would be very tough to  
9 resolve on -- this week.

10 So it is just a reiteration of my concerns identified  
11 before. But there are issues that I would like to talk about  
12 further that I think that there are -- that there is a reason  
13 to say, listen, a remedy right now can be implemented  
14 potentially to address this issue.

15 MR. CROSS: Your Honor, this is David Cross. I'm  
16 sorry.

17 THE COURT: Go ahead.

18 MR. CROSS: I was just going to say, just maybe to  
19 ease your mind a bit, what we will be presenting and asking for  
20 in the hearing is not going to be a wholesale change to a new  
21 system. We'll explain that, and we'll walk through that as to  
22 why.

23 I think the witnesses will be really helpful because  
24 I think what we are going to be focused on is going to be  
25 something far short of that.

1           We understand Your Honor's concerns.

2           THE COURT: Just one second. I'm sorry.

3                       **(There was a brief pause in the proceedings.)**

4           THE COURT: All right. So we're just moving forward  
5 as you have set forth here. I have already ruled about the  
6 question of the defendants calling the plaintiffs or their  
7 representatives as to standing issues and ruled that that would  
8 not at this point be productive or useful. And so I'm not  
9 going to allow you to proceed in that way.

10           And if we end up with any sort of the confidentiality  
11 issues, then you are going to have to flag them for me so we  
12 can separately deal with them and potentially do them at a  
13 separate hearing at the end.

14           And I have -- while I don't know what is on the  
15 docket at this point, I did look at the background just by  
16 looking at the web of the individual -- the nonparty-related  
17 individual that -- Susan Greenhalgh that the Curling -- I'm  
18 sorry -- the Coalition plaintiffs referenced.

19           And she appears to have specialized skills and not to  
20 be a party representative. So that if the Coalition wishes to  
21 secure her consulting services and have her sign -- I assume  
22 she already has signed the confidentiality agreement -- you can  
23 use her. But you would have to really, Mr. Brown, go over in  
24 great detail what her obligations are relative to communicating  
25 with other people that she knows.

1 MR. BROWN: Yes, Your Honor.

2 THE COURT: I put this on you.

3 MR. BROWN: Yes, Your Honor.

4 THE COURT: So we're going to begin at 1:00. And is  
5 there anything else that we need to address at this juncture?

6 MR. RUSSO: Your Honor, this is Vincent Russo. I  
7 believe the plaintiffs also submitted some information on  
8 Ms. Rhonda Martin yesterday as a consultant.

9 Was there a decision on her?

10 THE COURT: I'm sorry. I don't have anything --  
11 anything else. And Ms. Martin is a named plaintiff. So I  
12 don't have anything else that would distinguish her from  
13 Ms. Marks at this time.

14 MR. RUSSO: Thank you, Your Honor.

15 MR. BROWN: For your information --

16 THE COURT: I mean, I see the last docket entry is  
17 Ms. Martin and -- I'm sorry -- and, obviously, she has -- there  
18 is no question that she has extensive skills. But I don't know  
19 how to distinguish her as a party at this juncture.

20 So go ahead, Mr. Brown.

21 MR. BROWN: No. I was just going to say that, as you  
22 know, she obviously has the qualifications in terms of who she  
23 is. She's not a named plaintiff. She is a director of the  
24 Coalition, an employee of the Coalition. So she would -- we  
25 would argue she has the independence necessary under my

1 direction to follow the terms of the protective order with  
2 respect to attorneys' eyes only and more important that there  
3 is no damage to the defendants for having the AEO material  
4 available to her, which is the question on the AEO is what  
5 damage is it to give it to either Ms. Greenhalgh or Ms. Martin  
6 or for that matter Ms. Marks, as opposed to confidential  
7 information which they would be authorized to view.

8 THE COURT: The only -- is there anything further  
9 that counsel for the State wishes to say?

10 You addressed this issue as to Ms. Marks in your  
11 papers. You didn't really address anything related to  
12 Ms. Martin other than generically.

13 MR. RUSSO: Sure. Your Honor, this is Vincent Russo.  
14 I mean, if there is something that the plaintiffs believe  
15 should be marked confidential that is marked AEO, I think that  
16 is -- you know, there is a process for us to go through to  
17 discuss that and we can try to work that out and, if we're not  
18 able to, bring it back to you.

19 Otherwise I don't think she is any different than  
20 Ms. Marks or any other named plaintiffs. And if we're going to  
21 allow, you know, the plaintiffs to be able to look at AEO --  
22 the documents that are marked AEO, I think that makes the  
23 designation pointless.

24 THE COURT: All right. Well, where are we on getting  
25 identification of all the AEO documents to the plaintiffs?

1 MR. BROWN: Your Honor, last night we received a list  
2 of the AEO documents. And part of the difficulty is the  
3 limitations on reviewing those -- that is me and Mr. McGuire  
4 for the Coalition -- to be able to review those to challenge  
5 them.

6 They are almost uniformly user manuals and documents  
7 relating to the Dominion product. Many of the documents have  
8 been produced by Dominion. Many of the documents we have been  
9 able to determine are actually on the internet already or were  
10 produced by Dominion.

11 THE COURT: All right. If they are on the internet  
12 already, you obviously should be able to resolve the question  
13 of their confidentiality or AEO. I mean, to me, that is where  
14 you should start this morning and -- so that you can resolve  
15 these issues.

16 And I can't -- you know, anything that is generally  
17 available and accessible publicly or to representatives of the  
18 State who are -- who are engaging in RFP processes, come on.  
19 Those need to just be cleaned up.

20 So I would say do that all -- get that all done this  
21 morning so that you can -- also that you can just -- your folks  
22 can help you review those and any other similar -- any other  
23 documents that would fall under that.

24 MR. BROWN: Yes, Your Honor.

25 THE COURT: And I think a lot of this will be taken

1 care of. And then obviously somebody else can also -- by my  
2 ruling can assist in anything else. And obviously still the  
3 plaintiffs are going to be looking at the same stuff. I don't  
4 think I have left you without a -- without a true team. So --

5 MR. BROWN: Thank you, Your Honor.

6 THE COURT: All right. Well, I'm going to close out  
7 now. And hopefully we won't have to have an emergency call  
8 today. We have some time tomorrow to work out some things too.

9 MR. CROSS: Your Honor, this is David Cross. Could I  
10 ask one question as a suggestion for tomorrow?

11 THE COURT: Yes.

12 MR. CROSS: One other thing we had thought would be  
13 useful to the Court was very brief opening statements.  
14 Literally like a few minutes where we can just say, Your Honor,  
15 this is what the key points --

16 THE COURT: That is fine. That is fine. Do you  
17 think five minutes, ten minutes?

18 MR. CROSS: Okay. Thank you.

19 THE COURT: What are you saying? Five or ten?

20 MR. CROSS: I'm sorry. We were saying ten minutes a  
21 side. So five minutes for each group.

22 THE COURT: All right. That is fine.

23 MR. TYSON: Your Honor, this is Bryan Tyson. One  
24 last point is that the audit rules were filed at Docket Number  
25 793, just so that you have that.

1           THE COURT: Okay. All right. I need to leave. So I  
2 know you are --

3           MR. BROWN: Thank you, Your Honor.

4           MR. CROSS: Thank you, Your Honor.

5           MR. TYSON: Thank you.

6                   **(The proceedings were thereby concluded at 9:09**  
7                   **A.M.)**

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## C E R T I F I C A T E

UNITED STATES OF AMERICA

NORTHERN DISTRICT OF GEORGIA

I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of the United States District Court, for the Northern District of Georgia, Atlanta Division, do hereby certify that the foregoing 23 pages constitute a true transcript of proceedings had before the said Court, held in the City of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 9th day of September, 2020.

*Shannon R. Welch*

SHANNON R. WELCH, RMR, CRR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT  
OFFICIAL CERTIFIED TRANSCRIPT